



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

03 Civ. 5490 (SAS) (DFE)

(This is not an ECF case)

- against -

MEMORANDUM AND ORDER

JOHN L. MILLING,

Defendant.

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DOUGLAS F. EATON, United States Magistrate Judge.

On April 14, 2009, I held a settlement conference with the parties. Mr. Milling has provided some, but by no means all, of the financial information requested by the Commission. Therefore my conference was not fruitful.

At the conference, Mr. Milling stated that he would produce all of the requested financial information to the Commission by May 1, 2009. I directed him to do so.

I also directed Mr. Milling to serve the Commission, by May 1, 2009, with complete disclosures pursuant to Rule 26(a)(1), and complete responses to the Commission's Rule 34 requests, and to the Commission's Rule 33 interrogatories, and to the Commission's Rule 36 requests for admissions. I will excuse Mr. Milling from this obligation if, and only if, he signs, on or before May 1, 2009, a bifurcated settlement agreement calling for the prompt entry of a consent decree but deferring the question of any monetary settlement pending further negotiation.

DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
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Dated: New York, New York
April 15, 2009

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Hon. Shira A. Scheindlin